

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
February 12, 2013 @ 7:00PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Jon Subity, Council Members Robert Gordon, Joan Bennett and Harry Kent; Town Solicitor Seth Thompson, URS representative Kyle Gulbranson, Town Manager Debbie Botchie, and Town Clerk Matt Amerling.

1. CALL TO ORDER:

Mayor Gerry Hocker called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Hocker led the pledge of allegiance. Mayor Hocker stated there would be no election this year for the Council for the Town of Millville, and the three incumbents would retain their seats.

3. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES:

Deputy Mayor Subity motioned to accept the Council minutes of January 8, 2013, and the Workshop minutes of January 22, 2013. Council Member Kent seconded his motion. Motion carried 5-0. Council Member Bennett stated she knew the minutes are far more verbatim than what the Council has received in the past, and she appreciates it very much. Mayor Hocker thanked Town Clerk Matt Amerling for his hard work.

4. TREASURER'S REPORT:

Council Member Joan Bennett presented the Financial Report for month ending 1/31/13.

January 31, 2013:

General Revenue:	\$ 40,580.	General Expenses:	\$ 42,954.
Restricted Revenue:	20,198.	Restricted Expenses:	879.

Ms. Bennett stated she would like to draw the Council's attention to the \$879, which she saw listed on the final page of the breakout page under more or less a grants column, which was the 59000 series of line items versus the 55000 line item which was the classic transfer tax line item area. Ms. Bennett stated she asked Town Financial Administrator Betsy Christian why the \$879 was listed as a revenue expense, and Ms. Christian explained the use of the word "restricted" in terms of semantical use of the word "restricted" in that grants were to be used in a restricted fashion and one receives them for a certain purpose versus what the Town was used to understanding was the Town's usual restricted income by law, which would appear normally up above that in the 55000 series under transfer tax. Ms. Bennett stated she thought it was a nomenclature thing where the \$879 occurred under the grants group, and she wanted to bring it to the Council's attention in case they had any questions.

Council Member Kent motioned to accept the Treasurers Report. Council Member Gordon seconded his motion. Ms. Bennett voted yes. Deputy Mayor Subity voted yes. Mayor Hocker voted yes. Motion carried 5-0.

5. **ADMINISTRATIVE REPORT:**

There were no comments.

6. **PUBLIC HEARING:** Deputy Mayor Subity motioned to open the **Public Hearing** at 7:05 p.m. Council Member Kent seconded his motion. All present voted in favor. Motion carried 5-0.

PUBLIC HEARING

A. To consider for approval the final site plan application submitted by Millville Town Center LLC, located within the Millville by the Sea (MBTS) master plan known as Sub-phase 2B-2 North on Tax Map Parcels 134-16.00-3.02 and 121.00. The applicant is proposing 55 single family detached units located within 2B-2 North. Synopsis: The site plan application was reviewed by the Planning & Zoning Commission at their June 11, 2012, meeting. The Commission voted in favor of the site plan with the following conditions:

- 1) MBTS works expeditiously to obtain a construction entrance permit,
- 2) Blending a better streetscape of Windsor Street,
- 3) Address URS Corporation comments,
- 4) Pipe the proposed Stream Valley Park, and
- 5) Be given a copy of the historic survey for MBTS.

Council Member Gordon read the Public Notice which was posted in the local newspaper. Mayor Hocker asked Town Manager Debbie Botchie if she read or received any written comments and she stated no. Mr. Chuck Ellison, of Miller & Smith, introduced himself and Ron Sutton, the president of Civil Engineering Associates (CEA), a civil engineering firm that designed the final engineering plans which were being put through the final approval process. Mr. Ellison stated he and Mr. Sutton were there in hopes to get the final approval to begin construction of MBTS's next section of residential homes adjacent to the existing Sand Dollar Village community with an extension of Huntington Drive. Mr. Ellison stated this plan was straightforward which consisted of 55 single family detached homes with the lots on the north and south side of the perimeter being a little larger than the ones consistent with the homes already built today, which Miller & Smith called its "Avalon" and "Sea Isle" product. Mr. Ellison stated the lots in the interior were designed to be rear-loaded or alley loaded – what Miller & Smith called – "cottage lots," and Miller & Smith had built a few cottage homes already, and they planned on building a few more. Mr. Ellison stated Miller & Smith did have three (3) lots which did exist within the existing Sand Dollar Village and were always planned in that location. Mr. Ellison stated the rest of the new lots were separated by a park area coming off of Sand Dollar Lake.

Mr. Ellison stated Miller & Smith had been through the review process and they had approval of all the necessary agencies. Mr. Ellison stated he would like to address each of the five conditions of the P&Z Commission, the first being "expeditiously obtaining a construction entrance permit" which Miller & Smith were able to do quickly enough to

have the construction access road completed. Mr. Ellison stated Miller & Smith would be bringing traffic in behind the existing homes, allowing Miller & Smith to construct most of the new homes and minimize the impact of construction traffic to existing residents. Mr. Ellison stated Miller & Smith would be able to keep barricades up as long as possible until the completion of construction and residents move in, in which case the barricades would come down. Mr. Ellison stated condition #1 had been fulfilled.

Mr. Ellison stated condition #2 of “blending a better streetscape of Windsor Street” was interesting because one thing Miller & Smith were moving to in their new section were “more traditional street patterns” often seen in communities, and it was not something that was the pattern in Sand Dollar Village, but Miller & Smith did have to blend in from the area of the existing community and make it into a smooth transition.

Mr. Ellison stated the third condition was to “address the comments from URS, the Town’s consultant,” and he believed Miller & Smith had successfully addressed all of those comments, and had the technical approval of all the plans not only from URS but also from all the public agencies that had to approve the plans.

Mr. Ellison stated the fourth condition was “piping the Stream Valley Park” and at one time Miller & Smith had considered having more of a street valley park coming down onto the lake but there were some concerns expressed with that so Miller & Smith agreed to make it more into a level park, and Miller & Smith were going to try to put a few knolls and hills to give a little relief as the trail goes over it. Mr. Ellison stated the area was now filled in and it would have that type of appearance and use.

Mr. Ellison stated the fifth condition was to “be given a copy of the historic survey,” which was Miller & Smith’s most challenging condition because, not having been on the scene from day one, Miller & Smith could not find the survey in their files and had to go through a lot of old boxes before finding the survey and delivering it to the Town. Mr. Ellison stated within the chosen particular area nothing was identified within the study. Mr. Ellison stated there may be some additional areas that may have appropriate use of a survey when Miller & Smith get to those areas, however, for now, this particular area has nothing to do with this phase.

Council Member Kent stated regarding the tail end of the development area there was a proposed potential internal connection road, what was going to be the status of that road? Mr. Kent further asked were Miller & Smith using the road for construction as well. Mr. Ellison stated yes, it was there today and would be a gravel road coming in off Substation Road where Miller & Smith’s existing field offices were located and loops around behind the offices and comes back into the entrance, making two access points, restricting construction traffic to that access point. Mr. Kent asked if there would be heavy vehicle traffic if need be during construction. Mr. Ellison stated yes. Mr. Gordon asked when Miller & Smith first started, Mr. Ellison was saying the road was Huntington Drive or Huntington Street? Mr. Ellison stated Huntington Street. Ms. Bennett stated the set of plans she received had original signatures and an original PE stamp, however, under the “certification of ownership,” the individual who signed the plans was not an owner nor does represent himself as any particular entity. Ms. Bennett stated it was her understanding if the owner was signing under “certificate of ownership,” that would be fine, but this individual who did sign was not the owner. Ms. Bennett stated, in the future, if an individual other than the

actual owner of the property on this or any other set of plans which came before P&Z or the Council, was signed by an individual who was acting as an agent of an entity, she would appreciate seeing that printed on the plans so there was no misrepresentation as she feels there was on these plans.

URS representative Mr. Gulbranson stated URS had been working closely over the past couple of months getting all the engineering and planning issues resolved and all of the requirements had been met, the engineering concerns had been addressed, and the plans were in good shape to move forward. Mayor Hocker asked the public if they had any questions.

Mr. Richard Shoobridge, of Tybee Street, asked if this proposed area was a part of Sand Dollar Village or was it a separate entity onto itself. Mr. Shoobridge further asked if the area would be a part of Sand Dollar Village's Property Owners Association (POA). Mr. Ellison stated yes, it was going to be a part of Sand Dollar's POA. Mr. Shoobridge stated he objected because the residents of Sand Dollar Village were getting close to the 75 percent the residents needed to take over their community. Mr. Shoobridge stated he did not think Mr. Ellison should be allowed to do this when the residents were about to get to the 75 percent – 150 units – to take back the residents' community. Mr. Shoobridge stated the residents were never told anything and he thought the Council should vote down this proposal and make the area another part of another community, like the one on the other side of the lake. Mr. Shoobridge stated Miller & Smith were making it impossible for the residents of Sand Dollar Village to have any governments of their own community, and the residents had no "say" in anything. Mayor Hocker stated this proposed area was a sub-phase of the total master plan, which was going to be made up of many sub-phases. Mr. Shoobridge stated he knew but Sand Dollar Village was only supposed to be 200 units and when 150 units were built, the residents could have some say in how the community was run. Mr. Shoobridge stated if Miller & Smith added the other 60 or 70 units on the other side, the residents would not have any "say" in what happened in their neighborhood. Ms. Botchie stated the Council did not have any "say" in homeowner documents. Mr. Gulbranson stated the Council reviews the documents but they were a contract between the developer and the purchasers of the properties. Mr. Shoobridge stated the proposed area was not an original part of Sand Dollar Village and the pool would not hold all of the extra people who would move in after the newly constructed houses were built. Ms. Botchie stated that was a part of the approval of the revision to sub-phase 2C-3 and -4. Town Solicitor Seth Thompson stated the issue would have to be a conversation between the contractor and the residents. Mr. Gulbranson stated there had not been an amenities plan for this additional phase, and told Mr. Ellison he may want to address the amenities situation. Mr. Ellison stated with respect to the POA, Miller & Smith had always envisioned this phase as part of Sand Dollar Village and it was the same housing type. Mr. Shoobridge stated Mr. Ellison did not. Mr. Ellison stated this phase was the last part of Sand Dollar. Mr. Ellison further stated as far as the amenity package goes, the P&Z Commission last night saw the final site plan for the amenities center, and Miller & Smith had to get one more letter to make the Council agenda for its March 12, 2013, meeting so the final site plan could show the details of the amenities center which will serve the entire community.

Council Member Kent motioned to close the Public Hearing at 7:18 p.m. Council Member Robert Gordon seconded his motion. Ms. Bennett voted yes. Deputy Mayor Subity voted yes. Mayor Hocker voted yes. Motion carried 5-0.

7. NEW BUSINESS:

- A.** To consider for approval the application submitted by Millville Town Center, LLC.

Ms. Bennett stated the Council had this application the P&Z Commission was recommending with the five conditions enumerated on the agenda. Ms. Bennett asked when and if the Council made a motion at this meeting to say “approve this plan as presented,” must the motion incorporate something that states about the satisfactory completion of the five conditions so the Council saw the action of the P&Z Commission carried through so it was an approval of a proposal with conditions; or, because P&Z approved this, it was now passed that the Council had assurances these five conditions had been “made good” and the Council needed only to go forward and approve it? Mr. Thompson stated the Council needed only to go forward and approve because the conditions had been met in terms of the conditions P&Z had requested. Ms. Bennett stated she did not want to make a motion that would be defective.

Mayor Hocker stated based on the comments from the P&Z as well as URS, he made a motion to approve the application submitted by Millville Town Center, LLC, for a Conditional Use inclusive of the four conditions made at the December 10, 2012, P&Z Meeting. Council Member Bennett seconded his motion. Ms. Bennett voted yes. Deputy Mayor Subity voted yes. Mr. Kent voted yes. Mr. Gordon voted yes. Mayor Hocker voted yes. Motion carried 5-0.

- B.** To consider for approval the application submitted by Dove Barrington Development, LLC, to amend the approved final site plan for Bishops Landing subdivision located on tax map and parcel numbers, 134-12.00-25.00, 382.00, 384.00, 384.01, 385.00, and 385.01, in accordance with the Town of Millville Code 125-19 B. The applicant is proposing lot line shifts and relocation of various home models. Synopsis: Dove Barrington Development, LLC, to amend the approved final site plan for Bishops Landing subdivision located on tax map and parcel numbers, 134-12.00-25.00, 382.00, 384.00, 384.01, 385.00, and 385.01, in accordance with the Town of Millville Code 125-19 B.

Mayor Hocker stated this business did not require a public hearing due to minor changes to the site plan. Mr. Steve Marsh, of GMB, stated he and Steve Brodbeck, of Beazer Homes, were there to discuss the minor revisions to Bishops Landing. Mr. Marsh stated the Council approved the final site plan at its July 10, 2012, meeting, and the subdivision plan was subsequently recorded on July 18, 2012. Mr. Marsh stated at the end of last summer, because this community was a pretty large asset for Beazer, Beazer headquarters in Atlanta, Georgia, decided to have one last look at the site plan before it rolled out to construction. Mr. Marsh stated Mr. Brodbeck had a whole team of various Beazer employees – such as marketing, architects, etc. – come up and spend a week-and-a-half in Delaware. Mr. Marsh stated what came out of the meeting was the national headquarters in Atlanta had recommended some minor changes to the plan, and some of those changes were presented to Millville’s Planning & Zoning Commission at its December 10, 2012, meeting, and P&Z unanimously recommended approval. Mr. Marsh stated he would like to focus specifically on those changes and how they relate to what the Council saw on the original plan presented on July 10, 2012. Mr. Marsh stated the goal of the changes was to actually reduce density and to increase both the amenity area – to refocus what was happening in the amenity area – and to increase the size of the clubhouse and the pool, and this was the reason the plan

changes were moved forward.

Mr. Marsh stated, regarding the clubhouse, on the original plan, the pool area faced out onto Burbage Road, overlooking a pond, which was the main view turning into the community off Burbage. Mr. Marsh stated Beazer's marketing division decided they wanted to change that around by having the view of the clubhouse – as you turn off Burbage Road – the front elevation instead of the side elevation. Mr. Marsh stated this change also shifted the pool area to behind the clubhouse, and the final pool shape would be different as well. Mr. Marsh stated the building size was increased for conditioned space by 750 square feet, and the pool was increased in size by about 1,000 square feet. Mr. Marsh stated there was a lot more architectural detail provided for the clubhouse and how it looked from the street. Mr. Marsh stated one of the other recommendations from Beazer was, on the original plan, the product was a little more segregated and there was concern from the Beazer team that at the end of the project and, at the later phases, there would only be one type of product remaining. Mr. Marsh stated the goal was to integrate the different product types into the land plan more effectively. Mr. Marsh stated in integrating these types, Beazer took some of the narrower townhouses and put them into phase one which was at Burbage Road and Windmill Road; took some of the villa product and moved that into phase two; and introduced some single family homes along what the Beazer team thought were some prime lots against the woods line. Mr. Marsh stated the whole point of this all was to reintegrate and shift the product line around and “have a better mix throughout the community.” Mr. Marsh stated in making this change, Beazer also looked at the total unit count and they wanted to expand the open space a little bit, so Beazer added several pocket parks, some with water features, and expanded some of the existing pocket parks, and broke up some of the longer runs of straight single family homes so the streetscape would be softened and open space could be added to the long run of homes. Mr. Marsh stated with these changes, Beazer had a reduction in density by 8 total units, with their previously-approved 206 single family product units down to 202 units, 79/40-foot villa units down to 66, and an increase in 7 units of the townhouse product, which lead to a net reduction of 8 total units. Mr. Marsh stated in redistributing and opening up some of the pocket parks, Beazer gained an increase of over 7 acres of open space for this phase, giving Beazer over 51 acres of open space for the entire project.

Mr. Marsh stated Beazer had a lot of pocket parks on the original plan but the Beazer team wanted to refocus and identify what was going to be happening at those pocket parks. Mr. Marsh stated all of the pocket parks would have some mix of hardscape and seating areas for people to sit down, as well as lawn games – such as bocce ball, horseshoes, sand volleyball – and some community grill areas. Mr. Marsh stated Beazer did eliminate the multi-use court and added a second tennis court because they felt there would be greater need for one. Mr. Marsh stated since the Planning & Zoning Committee gave their recommendation, Beazer submitted to URS, Sussex County, and Tidewater because this was really just lot line shifts and a relocation of service laterals, water services, and some yard drains. Mr. Marsh stated these changes had all been approved and what Beazer was asking for now was approval of these revisions so Beazer can go to recordation and get the lot lines recorded so they may move forward with their plans.

Mr. Kent stated since Beazer was changing the main facility building, Mr. Kent saw a portico on it, which concerned him. Mr. Kent asked what kind of clearances were Beazer and GMB designing into the portico. Mr. Marsh stated Beazer and GMB had 14 feet of

clearance, which would meet the needs for the emergency vehicles. Mr. Marsh further stated the final building plans would come back into the Town for the building code review and it would also go to the fire marshal for his review of the building construction. Mr. Brodbeck stated when Beazer was looking at that aspect, he came back to speak with Millville Building and Code Administrator Eric Evans, and Mr. Evans called over to the Millville Fire Hall to get clarification of the largest piece of equipment the Fire Hall owns, which was 13'8" to 13'10". Mr. Brodbeck stated Beazer consulted with the architects to make sure there was a minimum elevation of a 14-foot clearance. Mr. Kent stated the clearance was also the interstate highway requirement and the thing he was concerned with was not just the fire department but anybody else, such as a delivery truck. Mr. Kent asked if Beazer would place a concrete pad under it so the Town would not have to worry about someone putting a blacktop over it later. Mr. Marsh stated in terms of the surface it would be a hardscape – a paver – and the elevation should be fixed. Mr. Kent asked about the dead-end street in the northwestern corner of the land if there were any reason the road could not come completely around to reconnect with the main community road, thus making a full circle. Mr. Marsh stated the road originally was a loop but it was decided the road would be safer by the P&Z Committee. Mr. Marsh stated the road undergone the fire marshal's review so it met the code in terms of the turnaround, but there were specific reasons why it was not connected. Mr. Kent stated up in New Jersey there had been techniques used to stabilize roads like that at its end so a vehicle – such as emergency services – can drive over top of it. Mr. Kent further stated if he was driving a fire engine and drove down the road, bottling up the road, no other emergency vehicles could get onto that road, and Mr. Kent knew nothing could be done about the other road because it goes to nowhere, but if there was a potential to connect to another road but it would not be done, Mr. Kent wanted to see something on the plan for emergency services if they ever needed it. Mr. Marsh stated the curb is all mountable and he preferred to not have a gate, but the turf could be reinforced so if a vehicle had to sit out there in an emergency situation, the vehicle would not sink. Mr. Kent stated his point was if, for instance, there was a fire engine parked there and it was bottling up the road, and emergency medical technicians (EMTs) needed to get in to the road, Mr. Kent wanted the EMTs to be able to get in by hopping curb but without the tires sinking down into the grass. Mr. Marsh stated the section would look like grass but there was a product looking like a chain-link fence underneath the grass so the lawn was reinforced. Mr. Kent stated as long as emergency services were made aware of that detail, they would use it. Mr. Brodbeck stated this was not a part of the revision. Mr. Kent stated his acknowledgement and he figured he would make Beazer and GMB aware of this feature.

Mr. Gulbranson stated URS had been working closely with Beazer and GMB and everything had been addressed, and the plan looked good. Mr. Brodbeck stated the final plans for the clubhouse should be in by mid-April, and Beazer's plan was to have biddable plans in for review no later than April 4, 2013, and all of the clubhouse amenities needed to be complete by November 2013. Mr. Brodbeck further stated Beazer was planning to move forward in about 6-8 weeks to get started on land development and construction. Mr. Marsh stated Beazer was planning on building this right away so, as Beazer started the community, it was important these plans were finalized and start construction. Ms. Botchie stated at the P&Z meeting, P&Z chairman Bob Linett spoke to Mr. Marsh and Mr. Brodbeck about the historical survey, and even though the state did not request Beazer to have a survey done, Beazer said if while they were out on site working, should Beazer find any historic items, they would report it. Mr. Marsh stated yes, that was part of the deal. Mr. Brodbeck stated he

met with the contractor every Thursday, and they were notified to take that action should it arise. Ms. Botchie stated the Historical Society had looked at the Beers Atlas map of 1869 and another one from 1930, and there were several historic structures in the area where Beazer was developing. Mr. Marsh stated another promise Beazer made to the P&Z commission was signage for historic sites so Beazer was going to get some recommendations on signage to point out the historic items in the area, which Beazer fully supported. Mr. Marsh further stated Beazer was waiting on some recommendations of the historic areas. Mr. Brodbeck stated once those historic areas were located, Beazer would pay for signage to be made and placed in a close proximity. Ms. Botchie stated she represented the Historical Society, and she and Mr. Linett had some maps they could review with Mr. Brodbeck.

Mr. Gordon motioned to amend the approved final site plan submitted by Dove Barrington Development, LLC, for Bishops Landing subdivision. Mr. Kent seconded his motion. Ms. Bennett voted yes. Deputy Mayor Subity voted yes. Mr. Kent voted yes. Mr. Gordon voted yes. Mayor Hocker voted yes. Motion carried 5-0.

8. COMMITTEES:

A. Update on Wayman Fire Protection proposal.

Council Member Gordon stated Code and Building Administrator Eric Evans spoke with Wayman in the morning and Wayman had turned over the plans to their design team to begin sizing the tank and listing other necessary equipment. Mr. Gordon stated Wayman should be at Town Hall either on Friday or two days the following week so they could measure the building, measure the piping they were going to need, and do the initial layout. Mr. Gordon stated hopefully in about 6 weeks, the Council should have a design for the building's fire system.

9. PROPERTY OWNERS/AUDIENCE COMMENTS:

Mr. John Douds, of Selbyville, stated he is the Post Master for the Millville-Ocean View Post Office and he wanted to stop in and introduce himself. Mr. Douds stated he just became Post Master this past November and he has been with the post office for 17 years, working throughout Sussex County. Mr. Douds stated he knew by watching the news, the state of the United States Postal Service (USPS) looked grim, however, he believed the USPS will be around for 50 years in some capacity and he felt confident the Millville-Ocean View post office would not be going anywhere in any of our lifetimes, nor would it be reducing hours. Mr. Douds stated he is trying to keep the post office well-staffed and he is trying to cut down the waiting line. Mr. Douds stated he also is the Cub Master for the Ocean View Cub Scouts, as well as the Scout Master for the local Boy Scouts, and he sat on the Board of Directors for the local Little League. Ms. Botchie stated she had been working with the postal service in New Jersey regarding the Town still having zip codes for some properties with a 19970, which is Ocean View, and 19945, which is Frankford. Ms. Botchie stated these property owners wish to be 19967, which is the proper Millville zip code, and Town Clerk Matt Amerling tried to contact the post office in New Jersey a few months ago, however, the Town has not gotten any returned phone calls or emails. Ms. Botchie stated she does not know where to go from here, and Mr. Douds asked if she had any contact names, to which Ms. Botchie stated she did. Mr. Douds stated he knows some people up at the New Jersey branch and he could put in some calls. Ms. Botchie stated she would appreciate that assistance because the Town has had homeowners who have had their insurance cancelled on them because the Millville-Ocean View post office will not deliver to them. Mr. Douds stated he can make some calls and call

headquarters to check on this issue.

10. ANNOUCEMENT OF NEXT MEETING:

Mayor Hocker announced the next meeting of the Council would be a workshop on February 26, 2013.

11. ADJOURNMENT:

Council Member Bennett motioned to adjourn the meeting at 7:49 p.m. Deputy Mayor Subity seconded her motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk